



ILLINOIS FAMILIES FIRST

Paul Caprio, *Director*



To: The Federal Elections Commission
Office of Complaints Examination
and Legal Administration

Attn: Donna Rawls, Paralegal
999 E Street, NW
Washington, DC 20436

RE: MUR 7023

To Members of the Commission:

Enclosed please find the response of Illinois Families First to the frivolous complaint
filed by Roskam for Congress.

We hope that we have provided enough evidence and explanation of our recent campaign
activities in the March 15th Illinois Primary for the FEC to dismiss the Roskam for Congress
complaint.

Please let us know if we can be of further assistance. Thank you.

William Canfield
Legal Counsel

Kristin Kolehouse
Treasurer

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Forward

Prior to dealing with our specific responses to the frivolous complaint filed by Roskam for Congress against Illinois Families First, we think it is important for the FEC to understand the real purpose and motivation of this complaint.

IFF is a small Federal independent expenditures committee filed in accordance with FEC regulations and statutes. Our part-time legal counsel reviewed all FEC filing to insure compliance with FEC regulations and governing our duties under both federal statutes and existing FEC regulations.

The purpose and motivation of the Roskam for Congress complaint is to deny our 1st Amendment right to state our opinions regarding Roskam's recent vote on a specific piece of legislation: The Budget Authorization Bill of 2015.

The Roskam complaint is a raw attempt to use the power of his federal office and the federal government to prevent us from continuing to lawfully monitor Roskam's future legislative record and communicate our views to voters.

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Top Para

Speculative and irrelevant to any violation of FEC rules.

Part 1: Re: A Pattern of Serious Illegal Acts by Illinois Families First

P.1 – Para 2

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The content of the radio commercial in question was: 1. Pre-approved for clearance by all the radio stations. 2. After the commercial ran for five days and in response to a Roskam complaint, WYLL, one of the stations, informed our media buyer that a minor change was needed on the ad disclaimer. We promptly made the requested change and each of the three stations renewed their broadcast of the very same ad. The stations found no substance in the Roskam claim alleging “false, misleading and defamatory statements.”

Disclaimer issue was immediately remedied to the satisfaction of broadcasting stations by IFF. The timetable requirements of disclosure are determined by the FEC, not Roskam for Congress.

P.1 – Para 3

Revised ad did include new disclaimer approved by all stations and returned to the airwaves.

P.1 – Para 4

Please see Appendix A and B regarding factual evidence of statements made in ad. All based on Roskam’s vote in favor of the budget authorization Bill of 2015.

P.1 – Para 5

Revised disclaimer reviewed and approved by stations. No FEC violation.

P.1 – Para 6 (Emails to Station re: Ad 2)

Revised disclaimer appeared on Ad 2. No FEC violation. Approved by legal counsel.

P.1 – Para 7

No evidence provided by Roskam for Congress re: “misleading” and “defamatory” claim.

Substance based on Roskam’s voting record. No FEC violation.

P.1 – Paras 8, 9, 10

Revised disclaimer does meet FEC and FCC standards according to the three stations communication the 2nd ad and legal counsel.

Having edited and further revised the disclaimer used for the initial radio spots, complainant again raised the adequacy of these disclaimers with radio station general managers in a last-minute attempt to have the stations pull the ads. Because the flight of ads paid for by IFF were at their contractual conclusion, no revision of the disclaimers could be effectuated by IFF. The third Roskam attempt to use the disclaimer issue as a pretext for having the stations pull the ads involved a notice to the listener that IFF approved the content of the ads. Clearly, since IFF paid for the ads and informed listeners of that fact in the disclaimers used in the ads, no listener could possibly have been under the misimpression that IFF was not paying for, sponsoring and approving of the content of the ads. Had the contractual commitment for airing the ads not run its course, IFF would have made a good faith effort to expand the language in the disclaimer in subsequent airings. But there were no subsequent airings of the ads.

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P.1 – Para 11

March 12 Roskam complaint made when stations were closed. IFF received notice of complaint late on Monday, March 14, and did not have time to respond. Matter resolved with stations to our satisfaction on Tuesday, March 15. WLS takedown based upon false disclaimer allegation. No substance.

P.1 – Para 12

No evidence provided re: ongoing “pattern of deception, defamation, and unlawful behavior” as alleged. Roskam voting record provided here. All required IFF filings pursuant to FEC regulations.

P.1 – Para 14

No FEC requirement requiring disclosure “shared use of office space, equipment, and staff.” No coordination with Family-Pac or Family-Pac Federal. Neither Family-Pac nor Family-Pac Federal has “office space” or “equipment” as alleged in complaint.

Family-Pac Federal is in good standing and in full compliance with all FEC requirements.

Family-Pac (a state political action committee) is in good standing with the Illinois State Board of Elections.

No administrative costs were borne by any third party in the creation and airing of these radio spots. All administrative costs attributable to the creation and airing of these radio spots were borne exclusively by IFF.

P.1 – Para 15

Reckless claim of loss of supporters is irrelevant since ads were true regarding Roskam's voting record.

P.1 – Para 16

Completely irrelevant re: future action by candidates. Pure speculation. No FEC violation.

P.1 – Para 17.

Following FEC disclosure rules is not an example of "orchestrating the rules" as complaint suggests. Bizarre argument. No FEC violation.

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Part 2 – Re: Illegal Electioneering Communication and Improper Coordination

P.2 – Para 1

IFF had no knowledge or input into any materials created by Kinzler for Congress after IFF radio spots were broadcast. No FEC violation stated.

P.2 – Para 2

Irrelevant to complaint against IFF.

P.2 – Para 4

No response to allegation against IFA not involving IFF.

P.2 – Para 5

Statement made by Kinzler for Congress was an after the fact, figure of speech: “these ads are being ‘run for me.’” Of course, the purpose of the broadcast was to benefit Kinzler and completely non-coordinated. No FEC violation.

1. Payment Prong

No coordination between advertising strategy between IFF and Kinzler for Congress. IFF paid for and distributed ad without knowledge of Kinzler campaign.

2. Content Prong

This was exactly the intent of the IFF commercials. Proper disclosure to FEC. No violation.

3. Conduct Prong

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Mr. Kinzler did not "request," "suggest," or "assent" to the production of the IFF ads.

Why would he call us on the day the ads began running and ask if we had anything to do with ads he has heard criticizing Roskam.

P.2 – Paras 6,7

Again, allegation is against IFA and not IFF and therefore accusation is totally irrelevant to this complaint. IFF has no knowledge of any of the alleged activities.

P.2 – Para 8

Any reproduction by others of the IFF ads were done after the appearance of the ads on the air and without knowledge or coordination with IFF.

P.2 – Para 10

Charges against Jay Kinzler for violation of "DOD" Directives are completely irrelevant to this complaint against IFF.

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Appendix A

FINAL VOTE RESULTS FOR ROLL CALL 705(Republicans in roman; Democrats in *italic*; Independents underlined)

H R 2029 YEA-AND-NAY 18-Dec-2015 9:49 AM

QUESTION: On Concurring in Senate Amdt with Amdt Specified in Section 3(a) of H.Res. 566

BILL TITLE: Making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2016, and for other purposes

| | <u>YEAS</u> | <u>NAYS</u> | <u>PRES</u> | <u>NV</u> |
|---------------|-------------|-------------|-------------|-----------|
| REPUBLICAN | 150 | 95 | | 1 |
| DEMOCRATIC | 166 | 18 | | 4 |
| INDEPENDENT | | | | |
| TOTALS | 316 | 113 | | 5 |

--- YEAS 316 ---

| | | |
|--------------------|--------------------|-------------------|
| <i>Adams</i> | Gibson | Paulsen |
| Aderholt | <i>Graham</i> | <i>Payne</i> |
| <i>Aguilar</i> | Granger | Pearce |
| Allen | Graves (GA) | <i>Pelosi</i> |
| <i>Ashford</i> | Graves (MO) | <i>Perlmutter</i> |
| Barr | <i>Grayson</i> | <i>Peters</i> |
| Barton | <i>Green, Al</i> | <i>Peterson</i> |
| <i>Bass</i> | <i>Green, Gene</i> | <i>Pingree</i> |
| <i>Beatty</i> | Grothman | Pittenger |
| Benishek | Guthrie | Pitts |
| <i>Bera</i> | <i>Hahn</i> | Poe (TX) |
| <i>Beyer</i> | Hanna | Poliquin |
| Bilirakis | Harper | <i>Price (NC)</i> |
| <i>Bishop (GA)</i> | Hartzler | Price, Tom |
| Bishop (MI) | <i>Hastings</i> | <i>Quigley</i> |
| Bishop (UT) | <i>Heck (WA)</i> | <i>Rangel</i> |
| <i>Blumenauer</i> | Hensarling | Reed |
| <i>Bonamici</i> | Herrera Beutler | Reichert |
| Bost | <i>Higgins</i> | Renacci |

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| | | |
|-------------------|--------------------|-------------------|
| Boustany | Hill | Ribble |
| Boyle, Brendan F. | Himes | Rice (NY) |
| Brady (PA) | Hinojosa | Rice (SC) |
| Brady (TX) | Honda | Richmond |
| Brooks (IN) | Hoyer | Rigell |
| Brown (FL) | Huffman | Rogers (KY) |
| Brownley (CA) | Huizenga (MI) | Rokita |
| Buchanan | Hurd (TX) | Rooney (FL) |
| Bucshon | Israel | Ros-Lehtinen |
| Burgess | Issa | Roskam |
| Bustos | Jackson Lee | Ross |
| Butterfield | Jeffries | Rouzer |
| Calvert | Jenkins (WV) | Roybal-Allard |
| Capps | Johnson (OH) | Royce |
| Capuano | Jolly | Ruiz |
| Cárdenas | Joyce | Ruppersberger |
| Carson (IN) | Kaptur | Rush |
| Carter (GA) | Katko | Russell |
| Carter (TX) | Keating | Ryan (OH) |
| Cartwright | Kelly (IL) | Ryan (WI) |
| Castor (FL) | Kelly (MS) | Sánchez, Linda T. |
| Castro (TX) | Kilmer | Sanchez, Loretta |
| Chabot | Kind | Sarbanes |
| Chaffetz | King (NY) | Scalise |
| Chu, Judy | Kinzinger (IL) | Schakowsky |
| Cicilline | Kirkpatrick | Schiff |
| Clark (MA) | Kline | Scott (VA) |
| Clarke (NY) | Knight | Scott, Austin |
| Clay | Kuster | Scott, David |
| Cleaver | Langevin | Sensenbrenner |
| Clyburn | Larsen (WA) | Serrano |
| Coffman | Larson (CT) | Sessions |
| Cohen | Lawrence | Sewell (AL) |
| Cole | Lee | Sherman |
| Collins (GA) | Levin | Shimkus |
| Collins (NY) | Lewis | Simpson |
| Comstock | Lipinski | Sinema |
| Conaway | LoBiondo | Sires |
| Connolly | Loeb sack | Slaughter |
| Conyers | Loudermilk | Smith (NJ) |
| Cook | Love | Smith (WA) |
| Cooper | Lowenthal | Speier |
| Costa | Lowey | Stefanik |
| Costello (PA) | Lucas | Stewart |
| Courtney | Luetkemeyer | Stivers |
| Cramer | Lujan Grisham (NM) | Swalwell (CA) |

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| | | |
|--------------------------|----------------------------|--------------------------|
| Crenshaw | <i>Luján, Ben Ray (NM)</i> | <i>Takai</i> |
| Crowley | <i>Lynch</i> | <i>Thompson (CA)</i> |
| Culberson | MacArthur | Thompson (PA) |
| Cummings | <i>Maloney, Carolyn</i> | Thornberry |
| Curbelo (FL) | <i>Maloney, Sean</i> | Tiberi |
| <i>Davis (CA)</i> | Marchant | <i>Titus</i> |
| <i>Davis, Danny</i> | <i>Matsui</i> | <i>Tonko</i> |
| Davis, Rodney | McCarthy | <i>Torres</i> |
| <i>DeFazio</i> | McCaul | Trott |
| <i>DeGette</i> | <i>McCollum</i> | <i>Tsongas</i> |
| <i>Delaney</i> | <i>McGovern</i> | Turner |
| <i>DeLauro</i> | McHenry | Upton |
| <i>DelBene</i> | McMorris Rodgers | Valadao |
| Denham | <i>McNerney</i> | <i>Van Hollen</i> |
| Dent | McSally | <i>Vargas</i> |
| <i>DeSaulnier</i> | <i>Meeks</i> | <i>Veasey</i> |
| <i>Deutch</i> | <i>Meng</i> | <i>Vela</i> |
| Diaz-Balart | Messer | <i>Velázquez</i> |
| <i>Dingell</i> | Mica | <i>Visclosky</i> |
| Dold | Miller (MI) | Wagner |
| Donovan | Moolenaar | Walberg |
| <i>Doyle, Michael F.</i> | <i>Moore</i> | Walden |
| <i>Duckworth</i> | <i>Moulton</i> | Walorski |
| Duffy | Mullin | Walters, Mimi |
| <i>Edwards</i> | <i>Murphy (FL)</i> | <i>Walz</i> |
| Ellmers (NC) | <i>Murphy (PA)</i> | <i>Wasserman Schultz</i> |
| <i>Engel</i> | <i>Nadler</i> | <i>Watson Coleman</i> |
| <i>Eshoo</i> | <i>Napolitano</i> | Weber (TX) |
| <i>Esty</i> | <i>Neal</i> | Wenstrup |
| <i>Farr</i> | Neugebauer | Westmoreland |
| <i>Fattah</i> | Newhouse | <i>Wilson (FL)</i> |
| Fitzpatrick | Noem | Wilson (SC) |
| Fleischmann | <i>Nolan</i> | Womack |
| Flores | <i>Norcross</i> | Woodall |
| <i>Foster</i> | Nugent | <i>Yarmuth</i> |
| Foxx | Nunes | Yoder |
| <i>Frankel (FL)</i> | <i>O'Rourke</i> | Young (AK) |
| Frelinghuysen | Olson | Zeldin |
| <i>Fudge</i> | Palazzo | Zinke |
| <i>Gabbard</i> | <i>Pallone</i> | |
| <i>Garamendi</i> | <i>Pascrell</i> | |

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--- NAYS 113 ---

| | | |
|----------------|---------------------|-----------------------|
| Abraham | <i>Grijalva</i> | Mooney (WV) |
| Amash | Guinta | Mulvaney |
| Amodei | <i>Gutiérrez</i> | Palmer |
| Babin | Hardy | Perry |
| Barletta | Harris | <i>Pocan</i> |
| <i>Becerra</i> | Heck (NV) | <i>Polis</i> |
| Black | Hice, Jody B. | Pompeo |
| Blackburn | Holding | Posey |
| Blum | Hudson | Ratcliffe |
| Brat | Huelskamp | Roby |
| Bridenstine | Hultgren | Roe (TN) |
| Brooks (AL) | Hunter | Rogers (AL) |
| Buck | Hurt (VA) | Rohrabacher |
| Byrne | Jenkins (KS) | Rothfus |
| <i>Carney</i> | <i>Johnson (GA)</i> | Salmon |
| Clawson (FL) | Johnson, Sam | Sanford |
| Crawford | Jones | <i>Schrader</i> |
| DeSantis | Jordan | Schweikert |
| DesJarlais | Kelly (PA) | Shuster |
| <i>Doggett</i> | King (IA) | Smith (MO) |
| Duncan (SC) | Labrador | Smith (NE) |
| Duncan (TN) | LaHood | Smith (TX) |
| <i>Ellison</i> | LaMalfa | Stutzman |
| Emmer (MN) | Lamborn | <i>Takano</i> |
| Farenthold | Lance | <i>Thompson (MS)</i> |
| Fleming | Latta | Tipton |
| Forbes | <i>Lieu, Ted</i> | Walker |
| Fortenberry | <i>Lofgren</i> | <i>Waters, Maxine</i> |
| Franks (AZ) | Long | Webster (FL) |
| <i>Gallego</i> | Lummis | <i>Welch</i> |
| Garrett | Marino | Westerman |
| Gibbs | Massie | Whitfield |
| Gohmert | McClintock | Williams |
| Goodlatte | <i>McDermott</i> | Wittman |
| Gosar | McKinley | Yoho |
| Gowdy | Meadows | Young (IA) |
| Graves (LA) | Meehan | Young (IN) |
| Griffith | Miller (FL) | |

--- NOT VOTING 5 ---

| | | |
|----------------|-----------------------|---------------|
| <i>Cuellar</i> | <i>Johnson, E. B.</i> | <i>Kildee</i> |
| <i>Fincher</i> | <i>Kennedy</i> | |

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Appendix B

IRS scores year-end funding boost

By Naomi Jagoda - 12/19/15 10:43 AM EST

The spending bill that President Obama signed into law on Friday provides an increase in funding to the Internal Revenue Service, a rare win for an agency that has been on the outs with congressional Republicans.

The \$1.1 trillion omnibus provides an additional \$290 million for the IRS, an increase of 3 percent over the last fiscal year.

Lawmakers specified that the additional funding is to be used for "taxpayer services to ensure that the agency responds to taxpayer questions in a timely manner, and to improve fraud detection and prevention and cybersecurity," according to a summary from Republicans on the House Appropriations Committee.

The base funding level for the IRS was kept at about \$10.9 billion.

The IRS had seen its funding repeatedly slashed since the controversy erupted over the agency's heightened scrutiny of Tea Party groups.

In fiscal 2015, Republicans hit the IRS with a \$346 million budget cut, pushing the agency's overall funding lower than it had been in fiscal 2008. In fiscal 2014, the IRS received \$526 million less than it had the year before that.

The omnibus law provides \$1.7 billion less for the IRS than Obama had requested for the agency in his budget.

"While the bill also contains a modest increase in IRS funding, the IRS budget would still be well below the level the agency needs to provide the kind of quality service the American people deserve," Treasury Secretary Jack Lew said in a statement Friday. "Fully funding the IRS is important for individual taxpayers, the security of our data, and our ability to collect the revenue our country needs."

Still, the outcome for the IRS in the omnibus could have been far worse.

A bill advanced by the House Appropriations Committee earlier this year that would have slashed IRS funding by \$838 million, while a bill passed by the Senate Appropriations Committee would have reduced funding by \$470 million.

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Instead, the spending package gives the IRS a nearly \$300 million bump, which could help ease what IRS Commissioner John Koskinen has characterized as a near-crisis at the agency, with the agency struggling to provide basic services to taxpayers.

Koskinen asked in October for increased funding to fight cybersecurity risks. The agency said earlier this year that hackers had accessed the tax returns of more than 300,000 taxpayers.

The IRS commissioner also complained in February that people who were calling during tax season were having trouble getting through to a live representative. The agency was working with 13,000 fewer people in the 2015 tax season, he said.

While the spending increase in the omnibus aims to address those issues, the tensions between the GOP and the IRS haven't gone away.

A group of House Republicans filed a resolution last month to impeach Koskinen, and several of the GOP's leading presidential candidates have called for abolishing the agency.

During October's president debate hosted by CNBC, Sen. Ted Cruz (R-Texas) said that his tax reform plan would enable "every citizen to fill out their taxes on a postcard, so we can eliminate the IRS."

And the undercard debate hosted by Fox Business last month, former Arkansas Gov. Mike Huckabee said he is proposing getting rid of the agency because "the government has no business knowing how much money we make and how we made it."

The Hill Newspaper.

<http://thehill.com/policy/finance/263767-irs-scores-year-end-funding-boost>

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IRS predicts shorter phone waits and fewer tax audits in 2016



Kevin McCoy, USA TODAY 11:32 a.m. EST February 19, 2016

The IRS delivered a double dose of good news predictions to U.S. taxpayers Thursday for the 2016 tax-filing season: shorter telephone waiting times for questioners and lower audit rates.

Congressional approval of a \$290 million budget increase for taxpayer assistance will enable the national tax agency to hire up to 1,000 additional customer service representatives, IRS Commissioner John Koskinen said during a media briefing.

The hiring means somewhat briefer phone waits for answers to tax questions, and fewer so-called courtesy disconnects — calls the IRS switchboard essentially disconnects because it's overloaded.

"We expect the level of service on the phone will be better than last year," said Koskinen, who acknowledged that "the level of service last year was so bad that anything would be better."

Switchboard hang-ups spiked to roughly 8.8 million during the 2015 tax-filing season from about 544,000 the year before, according to a July report by the National Taxpayer Advocate, the IRS agency that looks out for the needs of ordinary filers.

In all, the IRS answered just 37% of taxpayer calls routed to customer-service reps from Jan. 1 through April 18, and the hold times for those calls averaged 23 minutes, the report found.

"Our goal would clearly be to have them under 20 minutes" during 2016, Koskinen said of this year's waiting times.

Addressing the switchboard problem, he voiced hope that at least 60% of those who call with tax questions will get through this year — but nonetheless urged taxpayers to try seeking answers on the IRS website.

The agency's budget hike — the first significant increase approved in six years by a Congress skeptical of the agency's performance — is also earmarked for addressing other customer-service concerns such as the rise of tax-refund identity theft, as well as IRS cybersecurity. But the money won't go to tax compliance and enforcement, said Koskinen.

As a result, the IRS won't be able to replace hundreds of tax-compliance employees expected to retire this year. The departures likely mean the odds of a taxpayer facing an IRS audit will drop even further in 2016 after falling to 0.84% during the 2015 federal fiscal year.

"By definition, our audit rates will decline," said Koskinen.

<http://www.usatoday.com/story/money/2016/01/14/irs-predicts-shorter-phone-waits-and-fewer-tax-audits-2016/78800970/>

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Rep. Diane Black, R-Tenn., criticized the mistakes as “another reminder that the IRS is mired in incompetence and mismanagement.”

Black, who sits on the House Ways and Means Committee, called for the resignation of IRS Commissioner John Koskinen after a series of “stinging reports” revealed malpractice in the agency. In a statement Monday, she said:

Just last week, my colleagues voted over my objections to give this bureaucracy another \$290 million in the bloated omnibus bill. Only in Washington is this kind of ineptitude rewarded with a bigger check. ... Taxpayers have every right to be outraged by the dysfunction at the IRS—I know I am.

<http://dailysignal.com/2015/12/22/irs-costs-taxpayers-46-million-in-suspect-refunds/>

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